



COURT UNITED STATES DISTRICT COURT
COUNTY OF SOUTHERN DISTRICT OF NEW YORK

SOFIA ZELDIN & BORIS ZELDIN,

Plaintiff(s)

against

DAISUKE NONAKA, M.D. ET AL.,

Defendant(s)

Index No. 07 CIV 9608

**AFFIDAVIT OF
SERVICE OF SUMMONS
(AND COMPLAINT)**

IN A CIVIL ACTION, CIVIL COVER
SHEET, INDIVIDUAL PRACTICES OF
JUDGE HAROLD BAER, JR.

STATE OF NEW YORK, COUNTY OF NEW YORK

SS: The undersigned, being duly sworn, deposes and says; deponent is not a

party herein, is over 18 years of age and resides at RYE BROOK, NEW YORK

That on 11/16/07

at 7:10 A.M., at 39 5TH AVENUE, NEW YORK, NEW YORK #2B

deponent served the within summons, and complaint on

IN A CIVIL ACTION, CIVIL COVER SHEET,

DAVID ROTH, M.D. PH.D

defendant therein named,

INDIVIDUAL PRACTICES OF JUDGE HAROLD
BAER, JR.

INDIVIDUAL

1. ☒

by delivering a true copy of each to said defendant personally; deponent knew the person so served to be the person described as said defendant therein.

CORPORATION

2. ☐

a corporation, by delivering thereat a true copy of each to

personally, deponent knew said corporation so served to be the corporation described in said summons as said defendant and knew said individual to be thereof.

SUITABLE AGE PERSON

3. ☐

by delivering thereat a true copy of each to

a person of suitable age

and discretion. Said premises is defendant's—actual place of business—dwelling place—usual place of abode—within the state.

AFFIXING TO DOOR, ETC.

4. ☐

by affixing a true copy of each to the door of said premises, which is defendant's—actual place of business—dwelling place—

usual place of abode—within the state. Deponent was unable, with due diligence to find defendant or a person of suitable age and discretion thereat, having called there

**MAILING TO
RESIDENCE
USE WITH 3 OR 4**

5A. ☐

Within 20 days of such delivery or affixing, deponent enclosed a copy of same in a postpaid envelope properly addressed to defendant at defendant's last known residence, at and deposited

said envelope in an official depository under the exclusive care and custody of the U.S. Postal Service within New York State.

**MAILING TO
BUSINESS
USE WITH 3 OR 4**

5B. ☐

Within 20 days of such delivery or affixing, deponent enclosed a copy of same in a first class post paid envelope properly addressed to defendant at defendant's actual place of business, at

in an official depository under the exclusive care and custody of the U.S. Postal Service within New York State. The envelope bore the legend "Personal and Confidential" and did not indicate on the outside thereof, by return address or otherwise, that the communication was from an attorney or concerned an action against the defendant.

**DESCRIPTION
USE WITH
1, 2, OR 3**

<input checked="" type="checkbox"/> Male	<input checked="" type="checkbox"/> White Skin	<input type="checkbox"/> Black Hair	<input type="checkbox"/> White Hair	<input type="checkbox"/> 14-20 Yrs.	<input type="checkbox"/> Under 5'	<input type="checkbox"/> Under 100 Lbs.
<input type="checkbox"/> Female	<input type="checkbox"/> Black Skin	<input checked="" type="checkbox"/> Brown Hair	<input type="checkbox"/> Balding	<input type="checkbox"/> 21-35 Yrs.	<input type="checkbox"/> 5'0"-5'3"	<input type="checkbox"/> 100-130 Lbs.
	<input type="checkbox"/> Yellow Skin	<input type="checkbox"/> Blonde Hair	<input checked="" type="checkbox"/> Mustache	<input checked="" type="checkbox"/> 36-50 Yrs.	<input type="checkbox"/> 5'4"-5'8"	<input type="checkbox"/> 131-160 Lbs.
	<input type="checkbox"/> Brown Skin	<input type="checkbox"/> Gray Hair	<input checked="" type="checkbox"/> Beard	<input type="checkbox"/> 51-65 Yrs.	<input checked="" type="checkbox"/> 5'9"-6'0"	<input checked="" type="checkbox"/> 161-200 Lbs.
	<input type="checkbox"/> Red Skin	<input type="checkbox"/> Red Hair	<input checked="" type="checkbox"/> Glasses	<input type="checkbox"/> Over 65 Yrs.	<input type="checkbox"/> Over 6'	<input type="checkbox"/> Over 200 Lbs.

Other identifying features:

**USE IN
NYC CIVIL CT.**

☐

The words "CONSUMER CREDIT TRANSACTION" were prominently displayed at the top of the summons(es) and the additional legend was printed in not less than 12 point bold upper case type on the summons(es) pursuant to 22 NYCRR §208.6(d) and (f).

**MILITARY
SERVICE**

☒

I asked the person spoken to whether recipient was in active military service of the United States or of the State of New York in any capacity whatever and received a negative reply. Recipient wore ordinary civilian clothes and no military uniform. The source of my information and the grounds of my belief are the conversations and observations above narrated. Upon information and belief I aver that the recipient is not in military service of New York State or of the United States as that term is defined in either the State or in the Federal statutes.

Sworn to before me on

11/16/07

IRVING BOTWINICK
Notary Public, State of New York
No. 01BO4657147
Qualified in Rockland County
Commission Expires Oct. 31, 2009

PRINT NAME BENEATH SIGNATURE

JOHN DICANIO

License No. 775208

UNITED STATES DISTRICT COURT

Southern

District of

New York

SOFIA ZELDIN & BORIS ZELDIN,

SUMMONS IN A CIVIL ACTION

Plaintiffs,

Case No.:

- against -

07 CIV 9608

DAISUKE NONAKA, M.D., DAVID ROTH, M.D.
Ph.D, MAX M. COHEN, M.D., XINMIN ZHANG,
M.D., and NYU MEDICAL CENTER,

Defendant.

JUDGE BAER

To: David Roth, M.D., Ph.D
Skirball Institute for Biomolecular Medicine
540 First Avenue
New York, NY 10016

YOU ARE HEREBY SUMMONED and required to file with the Clerk of this Court and
serve upon PLAINTIFFS' ATTORNEY

Noah Kushlefsky, Esq.
KREINDLER & KREINDLER LLP
100 Park Avenue
New York, NY 10017

an answer to the complaint which is herewith served upon you, within 20 days after service of
this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default
will be taken against you for the relief demanded in the complaint.

J. MICHAEL McMAHON

OCT 29 2007.

CLERK

Wanda Quintero

DATE

BY DEPUTY CLERK

RECEIVED IN DEAN'S OFFICE
ON 11/17/07 AT 12:37 BY
Jennifer Faria WITH FEE
PROCESS SERVER